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March 10, 2005

**VIA UPS NEXT DAY AIR**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" Street, N.W., Room 504  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

MAR 11 2005

Part of  
Public Record

Attention: Victoria Rutson

**RE: Docket No. AB-33(Sub-No.225X), Union Pacific Railroad Company  
Abandonment of the Thornton Industrial Lead from Milepost 2.0 near Flint  
to Milepost 17.14 near Thornton, a distance of 15.14 miles in Cerro Gordo  
County, Iowa**

Dear Ms. Rutson:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Iowa Trails Council seeking the issuance of a Certificate or Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Thornton Industrial Lead from Milepost 2.0 near Flint, Iowa to Milepost 17.14 near Thornton Iowa, a distance of 15.14 miles in Cerro Gordo County, Iowa. The Union Pacific is willing to negotiate with the Iowa Trails Council concerning the acquisition of the subject property for trail use and supports the Council's request to negotiate for a period of 180 days. A copy of the Iowa Trails Council's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter with exhibits are enclosed for the Board's use and distribution.

Sincerely yours,

Enclosures

cc: Iowa Trails Council

Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

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UNION PACIFIC RAILROAD  
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718  
ph. (312) 777-2055 fx. (312) 777-2065



P O Box 131 Center Point, IA., 52213-0131 319-849-1844  
Tom F. Neenan, Executive Director

February 16, 2005

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Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 "K" Street NW  
Washington, D. C. 20423

Dear Secretary Williams:

**PETITION.** This is our petition for issuance of a Certificate or Notice of Interim Trail Use for the proposed abandonment of the Union Pacific Railroad right-of-way between Milepost 2.0 near Flint and Milepost 17.14 near Thornton, in Iowa's Cerro Gordo County

**NEED FOR PRESERVATION.** We have taken no position as to whether the Surface Transportation Board should approve abandonment of this right-of-way. If abandonment is approved we believe this should be conditioned on use of the corridor as a trail, due to the possibility that the right-of-way could, one day, be a candidate for reactivation of rail service in this growing area of Iowa.

**APPROVAL OF ABANDONMENT.** It is our opinion that any approval of abandonment should be conditional, with retention of the right-of-way as a trail, as authorized by the United States Congress in 1983 in Section 8 (d), U. S. C. 1247 of the National Trails System Act. Such a trail would provide for preservation of the right-of-way by use as an energy efficient transportation route, by providing an opportunity for walking, jogging and bicycling between the two points.

**NEED FOR THE TRAIL.** Iowa ranks almost at the bottom of states that provide recreational opportunities but has managed to rank high in the preservation of its abandoned railroads as trails. It is our belief that these converted corridors are contributing significantly to Iowa's economy and to the general good health of Iowans, as well.

**OTHER FACTORS.** In addition these preserved rights-of-way are providing a means of establishing utility lines, in preference to taking more valuable crop land for this purpose. These trails provide opportunities to reduce mental stress as trail users commune with nature in a relaxing atmosphere.

**CONDITIONS OF ABANDONMENT.** If abandonment is approved with conditional use of the right-of-way as a trail, removal of any and all structures such as bridges, trestles, culverts, tunnels, and ballast, must be barred, as these are all essential to reactivation of rail service and to the building of a trail within the right-of-way.

**WILLINGNESS TO ASSUME.** The Iowa Trails Council, both for itself and for

Affiliates: American Discovery Trail Society-American Hiking Society-Rails/Trails Conservancy

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agrees to assume responsibility for establishing and maintaining a trail on this property, for the responsibility for the management by the board, for any legal liability (unless immune from liability) arising from transfer of title, and for the payment of all taxes and assessments that may become due after title is received.

**CONTINUING TO MEET RESPONSIBILITIES.** We acknowledge, as well, that it is understood that the use of this right-of-way as a trail is contingent upon our continuing to meet our responsibilities as stated above.

**POTENTIAL REACTIVATION OF RAIL SERVICE.** We agree that the use of this right-of-way as a trail will be terminated if there is a need for reactivation of rail service as provided in U. S. C. 1247 and CFR 1159.28, Section 8 (d) of the National Trails System Act Amendment of 1983.

**NEGOTIATION TIME PERIOD REQUIRED.** Our extensive experience in the acquisition of railroad rights-of-way for conversion to trails over the past twenty years has led us to believe that negotiation for transfer of title can easily consume even more than 180 days, which we understand to be the usual allotment of time in which to complete these negotiations. If conditional abandonment is approved by the Surface Transportation Board we request we be allowed at least the 180 day period in which to conclude these negotiations. It is our goal to conclude these negotiations within as short a time period as possible and we intend to make every effort to bring these negotiations to a satisfactory conclusion as soon as possible.

**ENCLOSURES.** With this petition we are enclosing a map of the location of the proposed line to be abandoned and a copy of a letter from the Cerro Gordo County Conservation Board, authorizing the Council to negotiate with the Union Pacific Railroad for the acquisition of this right-of-way for the stated purpose. Due to the fact the Board is a governmental body we ask for the waiver of the fee requirement.

**COPIES.** We are providing ten copies of this petition for the Surface Transportation Board and are sending copies of this petition to Mack H. Shumate, Jr., Senior General Attorney for the Union Pacific Railroad at 101 N. Wacker Dr, Rm 1920, Chicago, IL., and to the Real Estate Office of the Union Pacific Railroad in Omaha, NE.

We thank you for your kind consideration in this matter.

Sincerely,



Tom F. Neenan

